

### REMARKS

Claims 1 to 15 are pending in the application, of which Claims 1 and 13 to 15 are independent. Claims 1, 7 and 13 to 15 are being amended. Reconsideration and further examination are respectfully requested.

The Applicant gratefully acknowledges the withdrawal of the 35 U.S.C. § 112, second paragraph rejection. The Applicant further acknowledges with gratitude the indication in the Office Action that Claim 14 recites statutory subject matter under 35 U.S.C. § 101.

Claims 1, 2, 6 to 8 and 10 to 15 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,662,194 (Joao), Claims 3 to 5 are rejected under 35 § U.S.C. § 103(a) over Joao and U.S. Patent No. 6,968,513 (Rinebold), and Claim 9 is rejected under 35 U.S.C. § 103(a) over Joao and U.S. Patent No. 6,868,389 (Wilkins). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

According to the method recited in Claim 1, inquiry data is received, the inquiry data is related to an inquiry of a user with a listing service about a listing posted by an entity other than the user. A user's lead is created in response to the user's inquiry using the received inquiry data, the user's lead is to be pursued by the user that makes the inquiry with the listing service. The user's lead is stored as a lead record in a database. An action record associated with the lead record is created each time an action to be taken in furtherance of the user's lead is identified, and the action record is stored in the database. The lead and action records comprise information to provide the user with a status of the user's lead. A user interface is communicated to the user that comprises information from the lead and action records and information related to the user's lead received from one or more ancillary services.

Claim 1 is being amended in to even more clearly recite that the inquiry by the user with a listing service is about a listing posted by an entity other than the user, and that the user's lead is created is in response to the user's inquiry about the listing posted by an entity other than the user. Claim 1 further recites that the user's lead created in response to the user's inquiry is to be pursued by the user making the inquiry with a listing service about a listing posted by an entity other than the user.

Joao fails to teach, suggest or disclose at least these elements, and further fails to teach, suggest or disclose the claimed user's lead to be pursued by the user that makes the inquiry of the

listing service is created using inquiry data related to the user's inquiry with the listing service, and further fails to teach, suggest or disclose, storing the user's lead as a lead record, creating an action record each time an action to be taken in furtherance of the user's lead is identified, the lead and action records comprise information to provide the user with a status of the user's lead. Since Joao fails to teach at least these elements of the claim, Joao cannot form the basis of a proper § 102 rejection, and also cannot form the basis of proper § 103 rejection.

Joao's focus is on forwarding one individual's interest in an item to another individual who originated the item, so that the second individual can pursue the first's individual's interest in the item. According to Joao, a user, i.e., an employer or job seeker, expresses an interest in an item, i.e., a job offer or an offer for services, and the user's interest is forwarded to the user that originating the item. Even if a user's interest in an item could be considered an inquiry about a listing (a point in no way conceded), Joao describes that the response to the individual's interest is to send a message to the user that originated the item, so that the user that originated the item, not the individual that expressed the interest, can pursue the individual's interest. Joao does not respond to an individual's interest by creating a lead that is to be pursued by the individual that expressed the interest. For example, if the item is a job listing originating from a potential employer and the individual that shows interest is a person inquiring about an employer's job listing, Joao's response to the inquiry is to forward the inquiry to the employer who posted the job listing, so that the employer, not the individual interested in the job, can pursue the individual's interest. To illustrate further, if the interested individual is a potential employer that is interested in a offer of services by a job seeker, who is offering his skills, the employer's interest is forwarded to the job seeker who originated the offer of his services, so that the job seeker, not the employer who expressed the interest, can pursue the employer's interest. In no case does Joao describe creating a lead in response to a user's inquiry about a listing posted by an entity other than the user by creating a user's lead that is to be pursued by the user that made the inquiry. In contrast to Joao and in accordance with the method recited in Claim 1, if the user is a person inquiring about an employer's job listing, for example, a lead would be created that is to be pursued by the job seeker inquiring about the employer's job listing, not the employer as would be the case with Joao, in response to the user's inquiry.

In response to the Applicant's previous remarks regarding the claimed lead, the Office Action states the following, at page 14:

Joao presents a method of providing assistance to aid in job searching (col. 3 line 17 to 20. The system may be used by an individual (hereafter also known as the applicant, prospective employee, etc...col. 11 line 45 to 50 of Joao) that is desirous of securing a job (see Joao col. 3 line 38). Furthermore, Joao teaches the system be used by an individual that wishes to apply for a job (Joao, col. 4 line 42). The Examiner respectfully submits that the system in Joao does teach an individual pursuing a lead. Specifically if the person is interested in a job and wishes to apply for a job (also known in Joao as an individual offering their services to an employer (col. 5 line 20 to 23)), that person would pursue that lead to find acceptance or rejection of that lead (i.e. offer). Joao's system is capable of assisting the user with the function because Joao allows a user to track all offers and/or rejections involving jobs, employment positions, etc. (Joao, col. 6 line 35 to 40).

At col. 6, line 35 to 40, Joao describes compiling information that can then be provided to individuals, employers, and/or recruiters "for use in any appropriate and/or suitable manner." The Office Action contends that this portion teaches the claimed lead that is to be pursued by the user making an inquiry, however, this portion of Joao does not identify what is "use in any appropriate and/or suitable manner, " and certainly does not mention how compiling this information constitutes a lead that is to be pursued by a user that make an inquiry. Joao does describe, however, at col. 17, lines 24 to 39 and col. 40, lines 26 to 31, that the compiled information is used to render some statistical analysis to provide historical information. Joao does not describe that the compiled information is created in response to a user's inquiry about a posted list, or that it is a lead that is to be pursued by the user that makes an inquiry, but rather Joao describes that the compiled information is collected in order to perform statistical analysis on the aggregated data to provide historical information. The information compiled in Joao is apparently used to monitor the system itself, which has nothing to do with creating a lead in

response to a user's inquiry about a posting by another entity, the lead that is created is to be pursued by the user that is making the inquiry.

The Office Action further contends that an individual's offer of services to potential employers, which is described at col. 5, lines 20 to 23, teaches the claimed lead. This portion of Joao describes that an individual can offer services to potential employers, which is a separate case and unrelated to an employer that is offering a job. In the case described at col. 5, lines 20 to 23 of Joao, the individual is not pursuing a lead or offer, as suggested in the Office Action, but is rather the individual that originates an item, i.e., an offer of his services to potential employers. Furthermore and regardless of what type of individual originates an item or what type of individual shows interest in an item, Joao's focus is on forwarding an individual's interest in an item to the item's originator, so that the item's originator, not the individual that showed the interest, can pursue the interest. Joao does not create a lead for the individual that expressed an interest to pursue in response to the individual's expression of interest, for example. To illustrate by way of a non-limiting example, if entity A is an employer that is offering a job or an individual that is offering his services and entity B indicates interest in the offering, Joao's system forwards entity B's interest to entity A so that entity A can pursue entity B's interest, if entity A wishes to do so. In contrast, in accordance with the invention of the claims, if entity B makes an inquiry about entity A's listing, entity B's inquiry would result in a lead being created for entity B to pursue.

With regard to the claimed action record, the Office Action states in response to the Applicant's previous remarks, at page 15, as follows:

Applicant further argues (2<sup>nd</sup> full paragraph of page 7) that Joao's "action record" is not created when an action to be taken in furtherance of the user's lead is identified. The Examiner submits that Joao [gives] an example describing such an action record as presently claimed. For instant, Joao teaches a message is sent to an interested individual (drawing reference 220) requesting additional information. In this instance, the message sent to the individual requests additional (further) information from the individual. This request for more information sufficiently describes an action to be taken in furtherance of the user's lead. In other words, requesting

more information from individual describes the furtherance of that user's lead (i.e. interest in offering their services).

At col. 23, lines 35 to 51, which discusses drawing reference 220, Joao describes the case in which an individual responds to an employer's job listing, the individual's response is forwarded to the employer, the employer responds by indicating an interest and/or requesting additional information from the individual, and the system in Joao sends the employer's request to the individual in the form of a message. Sending a message to an individual to notify the individual that an employer is interested in pursuing discussions with the individual and/or is requesting additional information from the individual occurs only if and only after the individual expressed interest in the job opportunity, the individual's interest was forwarded to the employer, and the employer elected to respond to the individual's interest with a message to the individual that expressed interest, which is not the same as creating a lead in response to a user's inquiry with a listing service about a listing posted by an entity other than the user. Furthermore, this portion of Joao describes an employer that is pursuing a lead about an individual that is interested in the employer's job, which is not the same as the claimed lead created in response to an inquiry by a user about a listing, the lead that is created is to be pursued by the user making the inquiry. This portion of Joao also does not teach, suggest or disclose the claimed action record that is associated with a lead that is to be pursued by a user that makes an inquiry, and nothing in Joao teaches, suggests or discloses a lead that is to be pursued by a user that makes an inquiry of a listing service about a listing posted by an entity other than the user being stored as a lead record, and/or an action record that is associated with such a lead record and stored in the database.

In response to that Applicant's previous remarks that nothing in Joao teaches or suggests a lead record, which stores the user's lead, and/or an action record, which is created any time an action to be taken in furtherance of the user's lead is identified, both of which comprise information to provide the user with a status of the user's lead, the Office Action states, at page 15:

Joao teaches an employer that notifies an individual of an acceptance or rejection of their offer (col. 35 line 1 to 20). This may come in response to [a] message sent from [an] individual interested in offering their services to an employer (e.g. see Joao,

drawing reference 320). With a notification sent back to the (interested) individual, this notification sufficiently teaches a status contained in an action record (i.e. message from an employer). Furthermore, the lead record would also contain this (status) information as the individual's information (col. 6 line 35 to 42) contains all offers and/or rejections (i.e. a status that the offer was rejected) involving any jobs, employment positions, etc.

The discussion found at col. 35, line 1 to 20 of Joao describes an individual that makes an unsolicited offer of his services to other individuals, i.e., employers, who he feels might be interested. The cited portion of Joao is part of a discussion in which a worker examines information in Joao's system to identify those employers that the user thinks might be in need of the worker's services, and then the user sends a message to the identified employers as an unsolicited offer of his services to the identified employers via Joao's centralized computer. The individual's offer can then be pursued by the employer, if the employer wishes to do so. If the employer wishes to pursue the individual's offer, the employer can send a message in response to accept the offer, or the employer can otherwise send a message rejecting the offer if there is no interest. The cited portion of Joao simply describes a worker and employers sending messages back and forth via a centralized computer. The cited portion does not disclose or suggest creating a lead to be pursued by a user making an inquiry with a listing service about a listing posted by an entity other than the user, but is instead limited to an individual making an unsolicited offer of services to an employer, which the employer can pursue as it wishes. Furthermore and in contrast to creating an action record associated with the lead record stored in a database, the cited portion of Joao simply forwards a message generated by one user to another user. Each message allowing the message recipient to pursue the content provided in the message by providing a response to a received message. The cited portion of Joao does not teach, suggest or disclose receiving inquiry data related to an inquiry of a user with a listing service about a listing posted by an entity other than the user, and/or creating a user's lead in response to a user's inquiry with a listing service about a listing posted by an entity other than the user, the lead that is created is to be pursued by the user that makes the inquiry with the listing service. Instead, the cited portion describes one user sending a message to another and the other user pursuing by responding to the message. Figure 5A and col. 6, lines 35 to 41 describe a

user entering a search to retrieve jobs that the user can then review, which is nothing like the claimed storing a user's lead as a lead record in a database. Not only do the cited portions of Joao fail to teach, suggest or disclose creating a lead record for a lead that is created in response to a user's inquiry with a listing service about a listing posted by an entity other than the user, the created lead is to be pursued by the user that makes the inquiry, but they further fail to teach of suggest storing a user's lead as a lead record in a database, let alone storing an action record associated with the user's lead in a database, and nothing in the cited portion of the Joao

In addition to the above-noted defects, Joao fails to teach, suggest or disclose a user interface that comprises information from the claimed lead and action records, and/or a user interface that comprises information related to the user's lead received from one or more ancillary services. The Office Action cites col. 22, lines 51 to 53 and col. 23, lines 5 to 13 as disclosing the claimed user interface. The discussion at col. 23, lines 5 to 13 simply states that Joao can communicate with users of the system via a number of communication mechanisms. The discussion found at col. 22, lines 51 to 53 is part of Joao's description of a user entering a search in order to retrieve a set of jobs, the cited portion of Joao describing that the set of search results, the jobs, retrieved from its database are displayed in response to a user's search, the job search. Since displaying a set of jobs retrieved in response to a search for jobs entered by the user must necessarily occur in Joao prior to any inquiry by a user about a job, the cited portion of Joao cannot disclose or even suggest the claimed user interface that comprises information from lead and action records and information related to the user's lead received from one or more ancillary services.

Furthermore and while the above reasons should be sufficient to withdraw the § 102(e) rejection, the rejection can and should be withdrawn for the reason that Joao's "action record" identified in the Office Action is not created when an action to be taken in furtherance of the user's lead is identified. In stark contrast to creating an action record when an action to be taken in furtherance of the user's lead is identified as is recited in Claim 1, Joao, e.g., drawing reference 212 and the discussion thereof found at col. 22, lines 54 to 67, creates a record identifying actions already taken and only in the case that the user does not wish to take any further action.

Nothing in Joao describes a user's lead to be pursued by the user in response to the user making an inquiry with a listing service about a listing posted by an entity other than the user,

the user's lead being created using inquiry data related to the user's inquiry with a listing service. Furthermore, nothing in Joao teaches or suggests a lead record, which stores the user's lead, and/or an action record, which is created any time an action to be taken in furtherance of the user's lead is identified, both of which comprise information to provide the user with a status of the user's lead. Joao also fails to teach or suggest communicating a user interface that comprises information from the user's lead and action records and information related to the user's lead received from one or more ancillary services. Since Joao fails to teach multiple elements of the claims of the present application, Joao cannot form the basis of a proper § 102 rejection. Even while Joao is not being applied in this manner, in view of the admissions made in the Office Action and for at least the reasons set forth herein, Joao cannot form the basis of a proper § 103(a) rejection.

Furthermore and as is discussed below, since Rinebold, which the Office Action applies against Claims 3 to 5, and Wilkins, which the Office Action applies against Claim 9, each fail to teach, suggest or disclose at least the same elements not taught, suggested or disclosed by Joao, neither combination proposed by the Office Action can form the basis of a proper § 103(a) rejection.

Nothing in Rinebold, and in particular the cited portions of Rinebold, teaches, suggests or discloses tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services. As discussed above, Joao also fails to teach, suggest or disclose at least these claim elements. Since both Joao and Rinebold each fail to teach, suggest or disclose at least the elements of tracking a user's interaction with a listing service, creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services, the combination of Joao and Rinebold cannot form the basis of a proper § 103(a) rejection.

Wilkins is limited in its focus to the identification of individuals that are financially capable of making, or ready to make, a purchase for direct sales and marketing organization as



"intender leads." Furthermore, Wilkins focuses on leads for direct sales and marketing organizations. Wilkins fails to teach, suggest or disclose tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services. Joao also fails to teach, suggest or disclose at least these claim elements. Since both Joao and Wilkins each fail to teach, suggest or disclose at least the elements of tracking a user's interaction with a listing service, creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services, the combination of Joao and Wilkins cannot form the basis of a proper § 103(a) rejection.

For at least the foregoing reasons, Claim 1 and the claims that depend from Claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons, Claims 13 to 15 are believed to be in condition for allowance. In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in an interview, the Examiner is requested to telephone the Applicant's representative. The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or

credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: April 22, 2008

/james j decarlo  
James J. DeCarlo  
Reg. No. 36,120

Customer Number 76058  
GREENBERG TRAURIG, LLP  
Met Life Building  
200 Park Avenue, 20<sup>th</sup> Floor  
New York, New York 10166  
Phone: (212) 801-9200  
Fax: (212) 801-6400